Weekly E

OR,

AGREEABLE and INSTRUCTI

REPOSITOR

CONTAINING

A COLLECTION OF SELECT PIECES,

BOTH IN

PROSE AND VERSE;

CURIOUS ANECDOTES,

INSTRUCTIVE TALES,

AND

INGENIOUS ESSAYS ON DIFFERENT SUBJECTS.

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THE WEEKLY ENTERTAINER.

For MONDAY, July 2, 1792.

The ERROR *of a* GOOD FATHER:

A TALE.

By M. MARMONTEL.

"ONE day, when Voltaire was ill, the ſage Vanvenarque, the worthy Cideville, and I, then very young, were ſitting by his bed-ſide. Voltaire was ſpeaking of Terence, of the beauties of his pure and natural ſtyle, and of the truth, but at the ſame time of the weakneſs of his pencil. 'For inſtance,' ſaid he, 'that character ſo ſingular, and yet ſo much in nature, of a father who puniſhes himſelf for having made uſe of too much ſeverity to a ſon, his only hope, whom his rigour has baniſhed from the paternal roof; that character which he might have rendered ſo affecting, is totally void of ſtrength." We read the firſt ſcene. 'Do but ſee,' ſaid Voltaire, 'how intereſting it promiſes to be; and yet in the ſequel all this intereſt vaniſhes, and Menedemus becomes little better than a good, ſilly kind of old man.'

'I know,' ſaid Cideville, 'in the province I belong to, a Menedemus of 80 years of age, who, after having been truly wretched, is now the moſt happy of mankind.' 'Let us hear,' ſaid Voltaire; and Cideville continued thus:

'I had for my guide and pattern in my profeſſion, the Preſident de Vaneville, a gentleman of the long robe, ſtill more celebrated for his integrity than for his abilities. I ſpent the beſt years of my youth under his care. He had been a widower, had married a ſecond wife, and had three children; a

ſon by his firſt wife, whom he had fondly loved, and two by his ſecond, whom he loved more fondly ſtill. I thought him happy in the interior of his family; and the ſerenity pictured in his countenance kept up the alluſion. But by degrees I perceived his temper grow worſe; and ſoon learned that he had ſent his eldeſt ſon to a diſtance from town, to the ſchool of a maſter who was well ſpoken of, and who was the prior of a village in the vicinity of the foreſt of Lyons.

'Some months after, M. de Vaneville appeared violently agitated: he was not one of thoſe men who let people ſee what is going forward in their minds; and I, too reſpectful to aſk him, contented myſelf with paying him greater reſpect than ever. He ſaw that I was not inſenſible to his ſorrows, and felt the obligation, but he did not tell me their cauſe. A few years after he loſt his other two children and his ſecond wife. When I expreſſed my affliction on the occaſion, 'Heaven is juſt,' anſwered he, with a gloomy look. Theſe words were followed by a ſigh and a long ſilence. At length, he told me, that he was going to quit the world, and to retire to a little ſolitary domain, called Flamais, in the neighbourhood of Neufchatel. Our parting was ſorrowful, and when I bade him farewell, I aſked his permiſſion to write to him, and to go and ſee him ſometimes.

'My good friend,' ſaid he, with a melancholy gentleneſs, 'I ſhall not forget you; however, I muſt beg you to leave me ſome time to myſelf, As ſoon as I ſhall have recovered my taſte for ſociety, it is certainly your's that I ſhall deſire. Wait till I write to you.' Then embracing me, he added, 'Farewell, Cideville, and never think of marrying twice.'

'This advice, which ſeemed to eſcape him in ſpite of himſelf, had, however, no relation to his preſent ſituation. He had had two wives, but he was then a widower; and it was particularly ſince his widowhood that his exiſtence ſeemed embittered. This I attributed to the ſolitude he was reduced to, and to the *ennui* of which I ſaw he was the prey. He ſet off, and as I was three years without hearing from him, I thought he had forgot me. At length, he wrote to me to come and ſee him. I haſtened to avail myſelf of the invitation, and, when I arrived, found him at the table by the ſide of a young and pretty country girl. Oppoſite him was a young villager, and a man more advanced in years, who, though plainly dreſſed, ſtill looked like a man of the world. As to himſelf, nothing in his half ruſtic appearance recalled to mind my old acquaintance the Preſident. Inſtead of the abundant and falſe locks to which my eyes had been

been accuſtomed, I ſaw nothing but a bald head beſprinkled with white hairs; inſomuch, that I could hardly recollect him.

"Come, my friend," ſaid he, "come and ſit down in the midſt of my family, and embrace my ſon and his wife. Yes, in this plain dreſs you ſee Mademoiſelle de Leonval, my daughter-in-law; and the ward of that worthy man, M. de Nelcour, my neighbour, to whom I am indebted for all the happineſs of my old age. I would lay a wager that you took theſe two young people for my gardener and his wife: well, you were not miſtaken; for that is their condition as well as mine: we cultivate together the garden you ſhall ſee preſently."

'The dinner was good, although frugal, and not unlike that of the diſciples of Pythagoras: little meat, but an abundance of excellent vegetables, and wicker baſkets, loaded with delicious fruit.'

"As delicious as you pleaſe," ſaid Voltaire, "but prithee let us get into the garden: I am impatient to hear what the old man has to ſay to you."

"No, no, for heaven's ſake!" ſaid Vauvenarque; "let us ſtay a moment at table with the good old man and his children: we feel ſo comfortable when we ſee worthy people happpy."

'They were all three ſo," continued Cideville, 'each in his own way: the father like a man, whoſe heart long oppreſſed by ſorrow, has juſt given way to joy; the ſon like a man, who is proud of having at laſt found means to make his father contented; while the young woman, with a look of equal modeſty and ſenſibility, congratulated herſelf on adding to the happineſs of both, and enjoyed their mutual tenderneſs as much as the affection with which ſhe inſpired them.

'The afternoon's walk diſperſed us about the garden, where it was eaſy to perceive the eye and hand of the maſter. It was the luxuriancy of nature, in all its abundance, and agreeable variety, diſpoſed without regard to ſymmetry. The branches of the plumb tree were interwoven with the vine; a quincunx of cherry-trees threw its fertilizing ſhade on beds of ſtrawberries; and fruitful eſpaliers formed an incloſure round the compartments, where the golden melon ripened, and the cauliflower bloomed. "All this," ſaid Voltaire, "with a little harmony, would be very pretty in verſe; but, my good friend, the art of relating in proſe conſiſts in dwelling little on deſcription, and in proceeding quickly to the ſcene."

'Behold me there,' ſaid Cideville.

'As ſoon as the reſt of the party perceived that M. de Vaneville wiſhed to be left alone with me, they retired to a diſtance. We then ſat down in a bower of honey-ſuckle, and that virtuous man, taking me by the hand, addreſſed me thus: "You ſee the life I lead at preſent. It is tranquil, and agreeably employed: Labour, a good appetite, ſound ſleep, a mind at eaſe, a pleaſing and peaceful concern in the various ſcenes the ſeaſons afford, my pains rewarded, almoſt every year my hopes faithfully fulfilled; and what I value above all, the chearing ſight of the love and happineſs of my children; ſuch are the good things Heaven reſerved for your friend's old age. It is not the evening of a fine day, but the faireſt evening after a day of the moſt gloomy and horrible kind.

"You ſaw my heart a prey to affliction, the cauſe of which I concealed from you; but now, Cideville, I can at length depoſit the ſecret in your friendly boſom.

"After having loſt an amiable and affectionate wife, who left me only one ſon, then in his infancy, I felt painfully the vacancy left in my heart, and the ſolitude of my houſe. Inſtead of having, as before, the labours of the day rewarded by the comforts of the evening, the image of ſilent and ſolitary grief that I met at home, rendered my future proſpect every day more gloomy, and I began to deſpair of accuſtoming myſelf to it, when I heard mention made in the world of a girl of good diſpoſition, and of an age at which the mind, the manners, and the temper, have generally taken their bent. She was ſpoken of as a pattern of goodneſs and diſcretion. I was deſirous of being acquainted with her, and I ſaw, or, at leaſt, I thought I ſaw, that ſhe merited all this praiſe. I married her, and ſhe was all that I had hoped, till the moment ſhe became a mother; or rather ſhe was always the ſame to me till the moment of her death. It was only in regard to the ſon of my firſt wife, and unknown to me, that her diſpoſition changed, and that the exceſs of maternal love ſwallowed up every other ſentiment.

"In the early days of our marriage, I had ſeen her fondle my ſon with almoſt as much tenderneſs as if he had been her own, and when ſhe altered, ſhe made uſe of ſo much addreſs in hiding the averſion ſhe had conceived for the boy, that I never perceived it.

"Entirely taken up with the functions of my office, you know how little I was at liberty to attend to the education of my children. I left the care of it to my wife, who made it her ſole occupation: Thoſe that ſhe employed under her were entirely at her command; ſo that, even when I conſulted them,

I only

I only knew what ſhe choſe I ſhould know, or wiſhed me to believe.

"Her deep and ſecret chagrin was the idea, that the child of my firſt wife had the ſame right as her's in the diviſion of my fortune. He was in her eyes a ſtranger who came to rob them of their property. You will eaſily conceive what my ſon ſuffered in his early years from this averſion. At that age man is endowed with a very lively ſenſe of natural equity; and my ſon ſoon felt that he was unjuſtly treated."

"I have remarked it," ſaid Voltaire, "a child when juſtly puniſhed, ſubmits without murmur; he has pronounced judgment on himſelf; when he is ſtubborn, it is becauſe he has not deſerved the chaſtiſement he undergoes." "There is then," ſaid Vauvenarque, with his ſoft voice, "a primitive law engraved at the bottom of the heart; and who is the engraver?" "the ſame," ſaid Voltaire, "as the maker of the great time-keeper, of which Newton diſcovered the balance and the ſpring. But let us go on; for I am in love with this old man, and he is waiting for us."

"I perceived," continued M. de Vaneville, "that my ſon's temper was altered. Sadneſs, diſtruſt, and I know not what kind of gloomy timidity were pictured upon his countenance. As the cares of buſineſs were alſo habitually impreſſed in mine, my child never ſaw in me that look of fondneſs, nor met that kind and tender reception, that announces the eaſy and indulgent father, and would have given him courage. Under the name of reſpect, care was taken to inſpire him with a dread of me, that ſtifled his complaints. Thus ſlighted, chaſtiſed ſeverely, and on every frivolous pretence; jealous above all of the preference ſhewn to his brothers, and comparing in his little wounded heart, the complaiſance they experienced with the rigorous treatment he had to ſuffer; he became from day to day more ſad and peeviſh. I compleated the ſouring of his temper by cruel reproof. He thought himſelf ſlighted by me; he thought himſelf hated by his father; and nature thus loſing her laſt hope and her laſt conſolation, he fell into a ſtate of ſtupid deſpondency, that was taken for an obſtinate determination to apply to nothing.

"I ſometimes reaſoned with him; but in a harſh unpleaſant manner; I ſcolded him, and while he liſtened to me, I ſaw the tears ſtanding in his eyes, which my lips, wretched father that I was, ought ſometimes at leaſt to have dried! but I attributed his ſilence, which was that of deſpair, to a hardened and ſtubborn diſpoſition. Alas! the hardneſs was all on my

ſide.

side. At last I sent him out of my sight, and then it was that he became untoward. Poor boy! what slights he suffered.

"His nurse's arms were his only asylum; and when she came to see him, he threw himself headlong into them, and bathed her bosom with his tears. "O my good nurse! O my only mother!" would he say, sobbing aloud, "I have nobody but you in the world; you alone have pity on me; but why did you suckle me? Why did my own mother, my mother, alas! that I have lost, why did she bring me into the world? Why did not both of you smother me in my cradle? Poor orphan that I am! for what else am I? I am destitute of both father and mother. There is no more a father for me; a step-mother has hardened his heart against a son that is not her's." His nurse used to burst into tears, kiss him, and give him the best consolation her tenderness could suggest; but nothing could appease him; and to complete her cruelty, my wife having been apprized of the sorrowful scenes that passed between my son, and his nurse Juliana, and foreseeing that she would perhaps inform me of them, forbade her the house.

"My son heard it. He was then twelve years old, and his passions had acquired strength. He broke out, for the first time, into violent reproaches against his mother-in-law, and told her, "that out of respect for me he had endured all her other injustice; but to envy him his last and only consolation, to prevent his seeing his nurse, that not even the shadow of a mother might remain, was a trait of barbarity of which none but a step-mother could be capable, and that since she was no better than a fury to him, he was determined to get out of her way. Prevail," said he, "upon a father, whom your arts have rendered unnatural, prevail upon him to turn me out of his house: It is the only favour that his child requires."

(To be continued.)

INTERESTING TRIALS.

KING's BENCH.

SATURDAY, June 16.

A Case that ought to be known by every Farmer in the Kingdom.

The KING *versus* MAJOR.

BY an order of Session in the Isle of Wight, the defendant had been convicted in the penalty specified in an act of Parliament,

Parliament, for felling corn contrary to law. This conviction was deemed by the defendant to be illegal, and therefore he removed it by certiorari into the Court of King's Bench. The cafe was very ably argued in Hilary Term laft, and the Court, feeing it a cafe of vaft importance, took time to deliberate upon it; and on Saturday the judgment of the Court was pronounced by Lord Kenyon, who faid, that the queftion here to be determined was "Whether it be legal to fell corn at a public market by any other than a meafure called the Winchefter bufhel?" His Lordfhip faid, that this cafe had been well-argued on both fides, and perhaps it ftood over too long. If the Court could have fair grounds to infer that the conviction in queftion was not ftrictly conformable to law, they fhould be glad to avail themfelves of the opportunity to pronounce it illegal, becaufe the practice of felling corn by different meafures was fpread over the whole country. Corn was fold by fmaller and by larger meafures than the Winchefter bufhel. Farmers in many parts of the kingdom thought they advanced their credit, and that it was to their honour, to fell by a larger meafure. By the 22d of C. II. chap. 2. it was enacted, "That if any perfons fhall fell corn or grain in public market, &c. by any bufhel or meafure that fhall be more or lefs than the Winchefter bufhel, he fhall forfeit for fo doing the fum of forty fhillings." By the 23d of the fame King, the party fo felling corn was fubjected alfo to the forfeiture of corn fo fold. By thefe acts of Parliament it was expreffed in pofitive terms, in order to enforce obedience to them, that corn fhall not be fold by any other meafure than the Winchefter bufhel. There were the 10th, the 17th, and 19th of the prefent King, and other acts of Parliament to regulate the fale of corn and grain; and it was argued, that although none of them actually and fpecifically repealed the 22d and 23d of C. II. yet that they virtually repealed them by not prohibiting the different cuftoms of different markets over the kingdom. The Court had taken the whole law, and all the arguments into ferious confideration, and he was forry to fay, but he could not help it, "That by law no corn or grain can be fold in any market in this country by any meafure but the Winchefter bufhel, and that therefore the conviction of this defendant muft be affirmed." His Lordfhip faid, he wifhed this decifion to be made as public as poffible, in order that all ranks of perfons in the kingdom might know the law on this important point.

The

The KING *versus* BALLDERY.

THE defendant had been convicted of publishing at his shop in Holborn, a caricature print of Zach. Button, Esq. Magistrate for the county of Essex, exhibiting him on the pillory with his head and arms through the wood. These, by way of pun, were called *button-holes*, with intent to ridicule and to bring into contempt the said Zach. Button, &c. &c.

Some affidavits were read on behalf of the defendant in mitigation of his punishment.

The judgment of the Court was, That he be imprisoned in the King's Bench for the term of three calendar months; to give security for his good behaviour for three years, himself in 100l. and two sureties in 50l. each.

COMMON PLEAS.

GRANT *versus* SIR CHARLES GOULD.

SATURDAY Lord Loughborough delivered the judgment of the Court upon the interesting case of Serjeant Grant.

His Lordship said, the case from its novelty and public importance called for the most serious attention and discussion. With that view the Court granted a rule to shew cause, why a writ of prohibition should not issue to stay the execution of the sentence of the Court Martial. On the part of the plaintiff, the case had been argued by Mr. Serjeant Marshal with all the ability and ingenuity that great industry, learning, and talents could supply. All that could be said on both sides had been judiciously urged, and the Court had spared no attention and deliberation upon the whole of the argument. The result of that deliberation was, that the prohibition could not be granted.

The martial law, which had been pronounced with great truth to be so adverse to the spirit of the British Constitution, and was to be found in Hale and Blackstone, had no existence at present in this country. Formerly the military law had a reference even to debts of military men; and plots against the person of the Sovereign, as well as other offences, were within the cognizance of Courts Martial, all which were now triable by the civil Courts of Judicature. As, however, the wisdom and providence of the Legislature had instituted a standing army, the necessity of military discipline and the mutiny act became obvious. Nothing was more dangerous to civil society than a licentious and undisciplined soldiery, which would be an

overmatch

overmatch for the civil power. Hence arose the expediency of martial law, as it existed at the present period, the power of which extended only to breaches of military duty.

There were two grounds upon which the Courts at Westminster could interfere by way of prohibition, to stay the execution of the sentences of Court Martials; the one was, where it appeared the Court Martial had no jurisdiction; the other, where they had gone beyond the powers with which they had been entrusted. These were the only grounds upon which prohibitions could be granted. An erroneous verdict of a Court Martial was not a ground to prohibit the execution of the sentence, because in that case the party might appeal or make an application for a review.

There were four objections distinctly stated in the present case to induce the Court to grant a prohibition. The first was, that Grant was no soldier, and therefore not liable to martial law. This was a very important objection if it could be sustained. It appeared, however, by Grant's own affidavit, that he had assumed the character of a serjeant in the 74th regiment, and had received pay. He had not himself denied that he was a soldier. The language of the act of Parliament clearly imported, that the receiving of pay made a man a soldier, and consequently subjected him to martial law. This objection, therefore, was no ground for a prohibition.

The second objection was, that evidence had been received against the plaintiff that ought to have been rejected; and that evidence in his favour was rejected, which ought to have been received. His Lordship admitted, that the rules of evidence established at common law were applicable to Courts Martial; but it would be too large a proposition to say, that the latter tribunals were bound in all cases to receive precisely the same evidence as the Civil Courts. He dwelt upon this point with great ability, and was of opinion, that this objection was not tenable.

The third objection was, that the plaintiff had not been specifically charged with the offence of which he had been convicted previously to his trial, inasmuch as the charge exhibited against him was, *for persuading and advising* two soldiers belonging to the Coldstream regiment to desert, and enter into the service of the East India Company; whereas the sentence of the Court Martial, upon his conviction, stated, that he had *encouraged* and *promoted* them to enlist, &c. The learned Judge observed, that there was no substantial variance in this language. It was the enlisting in another corps that proved the

the desertion from the former. This objection, therefore, could not avail the plaintiff.

His Lordship then took notice of the last objection; namely, that the offence, as charged against the plaintiff, was not within the mutiny act. Upon this point he made many excellent remarks, observing, that the reception of pay as a soldier fixed upon a man the military character, and rendered him liable to be tried by a Court Martial.

With respect to the severity of the sentence of 1000 lashes, his Lordship observed, that would not justify the interposition of the Court. The punishment was deposited where it ought to be; namely, with the King, and an application might be made to the Royal clemency.

The rule for the prohibition was of course discharged.

MONDAY, June 18.

WILSON *qui tam, against* RESTALL.

THIS action was brought to recover penalties under an act of Parliament regulating the mode of proceeding against persons guilty of bribery at elections, and made to apply to a case in the last general election. It was tried at the last assizes before Mr. Baron Thompson.

The question was, "Whether certain letters written between parties concerned in this business could or could not be legally produced in evidence at the trial?" These letters were in the possession of Mr. Handley, an attorney.

It was maintained, on the part of the defendant, that these letters ought not to be produced, because they would involve another person who was not before the Court in the alledged bribery, and that, as they were delivered to Mr. Handley in confidence, he was not bound to give them. The learned Judge concurred in this opinion; and, for want of this evidence, the Jury gave a verdict for the defendant.

On the part of the plaintiff it was contended that the letters ought to have been produced; that they were not such as came within the meaning of secret transactions between attorney and client, and such as could be deemed to be given in confidence to the attorney: That Mr. Handley was not, nor could he be, the attorney in this or any other action at this time; for at this time he was Under-Sheriff, and therefore could not legally transact any business as an attorney: That as these letters were

illegally withheld, and that probably the verdict would have been for the plaintiff instead of the defendant if they had been produced, a new trial ought to be had between the parties.

The Court were of this opinion.

It was observed by Lord Kenyon that they had often granted new trials, on finding that the Jury had made a mistake on the former one. He saw no reason why it should not be so when the Judge had made that mistake. Justice Buller concurred with the Chief-Justice, and added several observations on the law of evidence. Mr. Justice Grose concurred also.

Rule for a new trial made absolute.

COURT OF KING's BENCH.

TUESDAY, June 19.

TOOKE *versus* THE ASSIGNEES OF DANIEL *a Bankrupt.*

THE following cause, on a question agitated under a Commission of bankruptcy, is new and interesting.

The plaintiff, who lived at Manchester, entered into a contract with Mr. Daniel, to buy up as much light gold as possible, and to send it to him to London; and, in consideration of that Mr. Daniel was to accept bills at two months. The plaintiff sent from Manchester a box containing a quantity of this light gold, which arrived at London after Daniel had become a bankrupt, and on the very day his commission was taken out; and the bankrupt having absconded, and that gold never having been delivered to the bankrupt, the question was, whether the plaintiff was entitled to recover back this money, or whether the defendants had a right to retain it, in the character of assignees.

Mr. Walton, on the part of the plaintiff, contended three things:

First, That, as this last box of light gold arrived in London after the bankruptcy, it was not a sale under the contract.

Secondly, That there was no delivery to Daniel sufficient to divest the property out of the plaintiff.

Thirdly, That this was a consignment for a specific purpose; to wit, to discharge Daniel's acceptances; and as they had all been paid by the plaintiff, there was no colour for retaining this gold on that account.

Mr. Cox, on the part of the defendants, combated these positions; and cited a number of cases from the books, to establish his arguments.

Lord Kenyon said, as this was a case of novelty and of considerable expectation, it had better stand over for another argument.

GILCHRIST *versus* BROWN.

THIS was an action for work and labour, and for goods sold and delivered.

This action was brought by a tradesman against a married woman, who was separated from her husband, and lived in adultery with another man; and the question was, whether the action could be maintained.

Mr. Ryder, as Counsel for the defendant, thought the case of Lady Lanesborough, and others of the same kind, had gone far enough, and that the Court would not wish to carry the principle farther. The case before the Court sought to go beyond the principles that were laid down in those cases; which were, first, that the woman had a separate maintenance; and, secondly, that she lived apart from her husband by articles of separation for that purpose. These were the principles on which Lord Mansfield decided that case.

The Court wished to hear Mr. Baldwin, who argued the plaintiff's case.

Lord Kenyon said there must be a fund, out of which the defendant could pay the plaintiff. Lord Mansfield had said, where a woman had sole and separate property, she might be considered as a *femme sole* with regard to that property; and that fund would be liable, up to the extent of it to the payment of those debts which she might contract upon her own account, and on her own credit; but where there was no fund, as in this case, they could not subject her to perpetual imprisonment.

Mr. Baldwin said, she had put herself in that situation by her own misconduct, and must take the consequences of it.

Mr. Justice Grose said, the plain question was, whether there was any law in the country, that said an adulteress should be a prisoner for life.—Judgment for defendant.

The KING *versus* SMITH.

THE defendant was sentenced to two years imprisonment in Newgate, for assaulting and obstructing excise officers in the execution of their duty.

It

It appears that the defendant had, in company with ſeveral others, threatened to murder the proſecutor and other revenue officers, whom they pelted with ſtones, and otherwiſe ill-treated.

No other buſineſs of importance was tranſacted during the whole day.

Cauſe was ſhewn againſt an application for a mandamus to compel two magiſtrates of Worceſterſhire, to rate one pariſh for the maintenance of the poor of another pariſh. Dodderſhall pariſh is partly ſituated in the borough of Droitwich.— Being unable to maintain its poor, application was made to two county magiſtrates to aſſeſs Droitwich, for the expence of the poor living in that part of Dodderſhall within the borough. The magiſtrates refuſed to make ſuch an aſſeſſment, and a motion was accordingly made for a mandamus.

The Court, however, diſcharged the application, on account of a charter having been granted by James the Firſt to Droitwich, by which the Juſtices of the county are prevented from exerciſing any juriſdiction within the borough, which poſſeſſes magiſtrates, in whom excluſive authority reſides.

COURT *of* KING's BENCH.

WEDNESDAY, June 20.

The KING *verſus* WHITE, &c.

THIS was an appeal from a conviction of the quarter ſeſſions of Poole, relative to the deſcription of property liable to the payment of the poor rates.

Lord Kenyon gave it as his opinion, that ſhips were liable in the pariſh in which they were entered, becauſe that pariſh might be regarded at their home; that money in a bureau was liable, being viſible property; that houſehold furniture, being a *caput mortuum* from which no gain reſulted, and the pay of officers of the army and navy, were not liable.

Judge Buller coincided in opinion with the Chief Juſtice, except with reſpect to the liability of money in a bureau. The conſequences of ſearching an eſcritoire for property would be pernicious; and he conceived therefore that it was not rateable.

Judge Groſe ſupported the deciſion of Judge Buller.

Lord Kenyon, on this account, yielded to the judgment of his two learned brethren, and conſented that it ſhould be underſtood that caſh in a bureau, drawer, eſcritoire, &c. was not liable to the payment of the poor rates.

KING's

KING's BENCH.

WEDNESDAY, June 20.

JOLLY *v.* DYKE.

THIS is a businefs of no fmall importance. The defendant had been committed to the New Prifon by the plaintiff for debt on the 15th inftant.

Mr. Ruffel obferved, that laft night the plaintiff's attorney had laid hold of a man of the name of John Mofs, who was attempting a thing which was extremely common, but which was feldom difcovered. Mofs was *buffing a notice*, as it is called, in order to get the defendant (Dyke) out of prifon; that is, in plain Englifh, he made affidavit that he had given notice to the plaintiff, which in fact was falfe. The manner in which it was detected was thus:

The plaintiff's attorney laft night, about eight o'clock, happened to be at Mr. Juftice Afhhurft's chambers. He faw an affidavit on the table in this cafe in which he was concerned, with a notice annexed, which he had great reafon to fuppofe had never been ferved. Seeing the name of Mofs at the bottom of the affidavit, he called out Mofs, on which the prifoner anfwered him, and faid his name was Mofs. He then feized him and carried him before the Judge, who ordered him to be brought down to Court.

The plaintiff, Mr. Jolly, attended, and fwore that he had never received any notice from the defendant. The gaoler informed the Court that the defendant (Dyke) was committed to gaol only laft Friday, whereas he was ftated on the affidavit to have been committed on the 8th of this month.

The plaintiff and his attorney, together with the gaoler, entered into a recognizance to profecute Mofs, who was committed to take his trial for wilful perjury.

KING's BENCH.

THURSDAY, June 21.

SMITH *verfus* GOODRICH.

This action was brought by the plaintiff, Mr. George Smith, who was firft mate of the Sarah, a flave fhip, againft the defendant, who was Captain, for a violent affault.

The affault was proved by two of the failors on board.

Lord

Lord Kenyon ſaid he was bound to tell the Jury their verdict muſt be for the plaintiff.—But they would recollect, that great allowances were to be made for a man in the ſituation of the defendant, on whom the lives of multitudes depended. The ſubordination and diſcipline of the navy muſt be protected. It was owing to the want of that diſcipline that the Halſewell Eaſt Indiaman periſhed. The Captain was afraid to exert his authority from the terrors of the law which hung over his head, and which before that time had been too rigorouſly executed. When a Captain came on ſhore, he was in danger of loſing his whole fortune.

Verdict for the plaintiff, damages 100l.

COURT *of* COMMON PLEAS.

THURSDAY, June 21.

Sittings before Lord Loughborough.

AFTER a few motions had been made, all the Judges except Lord Loughborough retired. His Lordſhip ſat till four o'clock and tried cauſes.

ASSIGNEES *of* CRANE, *a Bankrupt, verſus* COOPER.

Mr. Serjeant Adair opened the plaintiff's caſe. This was an action in trover, and was brought by the aſſignees of the bankrupt, in order to recover of the defendant two leaſes, which Crane had delivered to him after he had become a bankrupt.

The learned Serjeant in his addreſs to the Jury, ſaid no part of the law of England was better ſettled, than that if a man, either after he became a bankrupt, or in contemplation of bankruptcy, gave an undue preference to any creditor, by putting into his hands part of his property, that creditor could not retain that property in prejudice to the reſt of his creditors; but the law ſaid, that it muſt revert to the general maſs of the bankrupt's property, to be divided equally among all his creditors.

It was clear from the evidence given in the cauſe, that the delivery of one of the leaſes was ſubſequent to Crane's bankruptcy; the other was delivered a ſhort time before that period.

Mr. Serjeant Bond, for the defendant, contended, that the plaintiffs were only entitled to a verdict for one of the leaſes. The other, he ſaid, was delivered by Mr. Crane to his client, Mr. Cooper, before Crane became a bankrupt, and when con-

ſequently

ſequently he had a full and complete right to diſpoſe of his property as he pleaſed.

Lord Loughborough ſaid, a ſecurity given to a creditor by a debtor, in contemplation of bankruptcy, was clearly void.

Verdict for plaintiff.

As there was ſome doubt about the value of the property, the noble and learned Judge recommended that it ſhould be referred to ſome gentleman, in order to aſcertain the value of the goods which the defendant had received from the bankrupt, and that the verdict ſhould be entered up to that amount.

Cooper muſt now come in as one of the creditors under the commiſſion.

On the VARIETIES *of* CONVERSATION.

[From the Loiterer.]

WHEN, in compoſing a Loiterer, or in following any other ſtudies, I have inſenſibly fallen into more intenſe thought than is congenial to my ſyſtem, I find certain and immediate relief in the converſation of a few friends, whom many ſucceſſive years have gradually placed at my ſide, and in whom commanding talents are ſo tempered by complying manners, that if at any time I feel more than ordinary ſelf-complacency, it is when I reflect that I have been able to draw round me ſuch a circle: living in rivalſhip without enmity, and familiarity without diſtaſte, we mutually derive from converſation aſſiſtance in ſtudy, and delight in relaxation.

Moſt of my readers of both ſexes have alſo their little circles, in which they enjoy the ſatisfaction of talking and being talked to; and however they may be divided which affords moſt pleaſure, there are few but will agree, that little can exiſt where they are precluded from both. I am inclined to believe that the moſt converſible are, if not the moſt happy, yet the leaſt unhappy members of ſociety; for grief, fear, and anxiety, are abſtracted and ſilent; but joy, hope, and contentment, have an ear open to every tale, and a tongue ready to fill every pauſe.

Perhaps the pleaſure of converſation is often excluſive of any actual wit or ſenſe contained in it; for who but has liſtened with pleaſure to the bewitching nothings of a pretty woman, and thought her periods ſufficiently rounded by a ſweet and voluble utterance, and ſufficiently pointed by a piercing eye?

But

But though converſation may be generally a ſource of pleaſure, and rarely of pain, it not unfrequently wearies and offends by impertinence. In many inſtances, indeed, the company can ſtifle or promote a topic, ſilence or encourage a ſpeaker, at will; but where ſuperiority of age or fortune ſanction prolixity or inſipidity, the remedy is not always practicable, and if one man will expoſe himſelf, the reſt muſt ſubmit to look on. I ſhall therefore recall to my readers a few characters, which probably every one of them has met and condemned; in which he who is free from their errors may ſee his danger and avoid it; and he who has inadvertently fallen into them may perceive his folly and reform. And it is certainly more deſirable that a man ſhould diſcover his own want of wiſdom, than that others ſhould be reduced to the neceſſity of informing him that he is a fool.

In the circles of men, few characters are more frequent than one who faſtens on ſome ſtranger who happens to have viſited or to reſide in that neighbourhood, with whom he runs over a catalogue of names, and a regiſter of minute circumſtances, unintelligible to others, and unimportant to himſelf. Enumerating every perſon with whom he has dined or danced, he details their concerns without intereſt, and characteriſes them without diſcrimination. Unwearied in inquiries, not prompted by deſire of rejoicing with the fortunate or condoling with the wretched, he liſtens to the relation of calamity without pain, of good fortune without pleaſure. Whether the objects of his inquiry be ſinking into poverty, or riſing into wealth, whether ſick, dying, or dead, he hears their ſtory with the ſame vacant compoſure of muſcle, the ſame complacent nod of apprehenſion. Happy is the company when the fortunate lapſe of a letter in the recollection of a name, or ſome confuſion in aſcertaining a particular day or place, ſuſpends his volubility!

Equally frequent and weariſome is the man who is in the oppoſite extreme. As the converſation of the one is more copious than fluent, that of the other is more fluent than copious: the one bewilders himſelf among a thouſand different perſons and things, the other confines himſelf to a very few favourite topics. It is ſometimes amuſing to obſerve with what dexterity he conducts the diſcourſe round to his darling ſubjects, and with what delight he expatiates, on the well-known ground. I have an old and reſpectable acquaintance ſomewhat of this deſcription; and when he falls into theſe harangues, he ſometimes brings ſo lively to my recollection the place and time in which I firſt heard them, that I almoſt doubt whether all which has intervened is not a dream, and half perſuade myſelf that I am ſe-

veral years younger, and in quite a different part of the kingdom, than I afterwards find I really am. But let me be juſt to his merits. One ſometimes is indiſpoſed to talk or liſten, yet neither affects ſilence or ſolitude; at ſuch ſeaſons, what hours of indeſcribable luxury have I paſſed in the converſation of my friend?

Another leading perſonage is one who ſits mute while the converſation continues general, and ſcarcely ſeems to exiſt till he has turned it againſt ſome unfortunate individual: unable to ſhine by his own light, he ſeeks relief in the darkneſs of another. One of this character is found in moſt ſmall ſocieties, and two or three in every common room. He may be eaſily diſtinguiſhed; for when he enters the company, argument is relinquiſhed and laughter ſubſides, and a general ſilence of expectation and apprehenſion prevails, till it appears who is to be ſingled out for the evening's perſecution. When once the ſpirit of raillery is conjured up, every one becomes intereſted in fixing it in its circle, and the whole evening waſtes away in the diſtreſſes of one man, and the ungenerous triumph of the reſt: and while all are actuated by one illiberal feeling, and unite in one fruitleſs purpoſe, no mutual courteſies refine the manners, no colliſion of ſentiments ſtrengthens the taſte, no interchange of information enriches the mind.

But of all impertinents he is the moſt inſufferable who talks from books, "in great ſwaths." He is poſitive in his aſſertions, becauſe he believes he has read them, and angry if they are controverted, becauſe he has not a ſingle idea by which he can maintain them. In what inextricable confuſion have I ſeen ſuch a man involve himſelf and all around him, by having turned over two leaves together, or overlooked a comma in a critical place. Such a character generally poſſeſſes a feeble intellect, which entirely bends under the weight of ſtudies which, with violence to nature, he pertinaciouſly impoſes on himſelf. You may track him through all the labyrinth of his reading by the thread of his converſation: His mind is a ſhallow ſtream, where every acceſſion of rubbiſh appears above the ſurface.

Diſguſted at the frequent recurrence of ſuch characters among men, we fly to female circles. In women we perſuade ourſelves trifling will loſe its inſipidity, ignorance its arrogance, and mirth its licentiouſneſs. A little experience teaches us that the converſeable qualifications of both ſexes are very equally poiſed.

In moſt companies we obſerve a lady who draws her chair cloſe to one of her own ſex, with whom ſhe diſcuſſes all thoſe important

important topics which transfer the burden of entertainment from the brain, which is susceptible of every exertion, to the tongue, which is proof against all fatigue. While she thus breaks the current of conversation, she wonders at its want of fluency, and by the significant glances which she darts around her at every pause, silently reproves an inattention in the men which she seems studious to provoke. At length she retires from the company full of complaints of its insipidity, forgetting that to one who mixes not in the discourse, sense will often seem dull, and wit pointless; and that they who bring indifference into society, will depart with disgust.

Another character equally frequent is one who, after the customary forms of salutation, addresses herself to none, and if any man address her, inclines to him with frigid composure of feature and averted eye. Not content to withhold by her silence the contributions due from herself to the general fund of amusement, by her prying looks and intent posture she becomes a restraint upon others. Not a compliment passes on one side, or an acknowledgment on the other, but that at her return home she details it to a maiden aunt or a younger sister, with a vivacity and volubility, an hundredth part of which, seasonably exerted, would make her one of the most agreeable companions in the world.

But above all in folly is she whom the weak of both sexes term a sensible woman. To compliment her is an impeachment of her understanding; to argue with her, an insult to her charms. If a man contradict her, she openly affronts him; if he assent, she secretly despises him. She is fastidious to shew her judgment, and sarcastic to exercise her wit. If the company be gay, she is all gravity and reserve; if serious, all vivacity and levity: she is invariably careful never to join in the prevailing topic, at which she is ever disposed to sneer, as too superficial or too profound.—If a character of this description be of an age verging on thirty, and yet of the sisterhood of virgins (which not unfrequently happen), she becomes particularly troublesome to men, whose company she avowedly affects, declaiming on the inanity of her own sex; a preference for which the one feels little gratitude, and the other little concern. Such a character is generally a very extensive and excursive reader. Her favourite volume is a thin folio, which takes up much room and contains little matter. One subject is not more difficult to her than another, except as it employs a greater number of pages; and if a sentence be but fairly printed, she seldom finds any obscurity.—There is a very literary lady,

esteemed a great ornament to our family, who often lays down Reid and Horsley, and runs over the Loiterer without the least remission of the wisdom which, on these occasions, she summons into her countenance. Under the pressure of most of the mortifications of life, I preserve a balance of temper; but I confess this circumstance sometimes sways me entirely from my wonted equability.

But to return to my subject.—A thousand other improprieties might be pointed out, which ought to be avoided by all who wish to excel in conversation. One man cuts you short in the middle of your speech by contradiction; another, which is still more vexatious, by assent. One discountenances your brightest sallies with provoking gravity; another has always a laugh ready to approve your gravest remarks. Most of these errors may be considered as the effect of affectation: and perhaps one general maxim may be sufficient to direct us in conversation.—We may study to conceal our defects—let us leave our excellencies to display themselves.

Answer, by William Stephens junior, of St. Hillary, to William Upjohn's Question, inserted February 27.

MULTIPLY the first equation by x, from which subtract the second, and then we shall have $7664{,}6241x - 57867.911955 = 0$; hence by division $x = 7.55$. and by substituting this value of x in the first equation, &c. we get $y^3 + 7.55y = 1015.182$; and by the methods of series $y = 9.8$ as was required.

‡*‡ We have received the like answer from Colin Skewes, of Gwennap.

An ANAGRAM, *by J. Bulgin, of Castle Carey.*

THE reverse to young transpos'd aright,
Will bring a scripture name to sight.

An ENIGMA, *by J. K. C. near Wells.*

NOW, Sirs, I've a story to tell,
And if you're inclin'd for some laughter,

No doubt you'll be pleas'd very well
With what I ſhall treat of hereafter.

A whimſical neighbour of mine,
Who lately forſooth had been marry'd;
From morning 'till night now does whine,
And wiſh that he had longer tarry'd.

For that blooming creature, his bride,
Who lately abounded with glee;
Now lays other pleaſures aſide,
And moſt of her time ſpends with me.

Nay, ſuch a great fav'rite am I,
That if ſhe've a pain in her finger
To me ſhe does quickly apply,
Beneath my protection to linger.

But you, Sirs, perhaps may enquire
Of all the gay ſons of old Adam,
What virtues I have to admire,
That ſo much attract this fair madam?

Know then I've a mighty long head!
So full of what wiſdom diſpenſes,
That people apparently dead
I frequently bring to their ſenſes.

My ſides I confeſs are but thin,
However at this you may wink;
For know that within my ſoft ſkin
I never put victuals or drink.

Yet what will appear mighty ſtrange,
And wonderful ſure 'tis to tell you,
While you thro' the country do range,
I oftentimes fill my great belly.

Of arms I have often a plenty,
And ſometimes alas! I have none;
Of feet I can boaſt nearly twenty
Sometimes, and at others but one.

My name now you'll quickly find out,
To hide me in vain 'tis to try;
And then blame the author no doubt,
For writing ſo eaſy a riddle.

POETRY.

P O E T R Y.

ODE *to* LORD LONSDALE.

FIE, fie, my Lord, attack a ſaint-like poet!
  Oh! let not Aſkalon, nor let Gath know it!
  What! by law-bulldogs bid the lambkin groan;
O Lonſdale! genuine poetry is rare,
Half of our verſe adulterated ware;
  I ſpeak of others verſes, not my own.

Ah! ſtop not, ſtop not Peter's tuneful throat!
  Hereafter, he may warble in thy praiſe,
Who ſo ſurpaſſeth thouſands in his note,
  A philomel amidſt a flock of jays.

The baniſhment of Ovid into Thrace
  Did Cæſar's glory grievouſly diſgrace;
Dropp'd on his coat of arms a ſtain of ink,
  And made the honeſt pen of hiſt'ry ſhrink.

At London frequently we meet
A lofty camel in the ſtreet,
  Moving with ſtate-unwieldineſs along;
We alſo ſee a monkey on his hump,
Now, with an arch grimace, from head to rump
  Skipping, and drawing wonder from the throng;
Againſt Lord Cheſterfield's grave maxim ſinning,
The merry grig, that is to ſay, by grinning.

Now this ſame camel, a well-judging beaſt,
Feels not of goading ridicule the leaſt;
  Calmly the ruminating creature goes,
Poking his head, and ſhaking it in guiſe,
Much like great Dr. Johnſon, called the wiſe,
  For pulling ev'ry Scotchman by the noſe,
When pond'rous moving thro' the northern track,
With dapper Jemmy Boſwell on his back.

Now

Now would not every mortal ſmile,
To ſee this camel alſo full of bile
Bouncing unhappily about,
Dancing, and ſtaring, grunting, kicking, moaning,
And like a creature in the cholic groaning,
Making for playful Jacko all this rout?
When Hawkeſb'ry, Saliſb'ry, Leeds, and more beſide,
Fearing the tinſel on the back of pride
Might tarniſh by an acid drop of rhyme,
And conſequently loſe the magic rays
That call forth admiration's gape and gaze,
And make her think ſhe views the *true* ſublime—

I ſay, to Majeſty when thoſe *great* Lords
Pour'd forth a foaming torrent of hard words:
As "Hang that Peter Pindar, if you pleaſe;
"Sire, make the graceleſs varlet underſtand
"What 'tis to ſmile at *Rulers* of the land—
"A beggar that diſgraces his own fleas.

"Sire, Sire, the Attorney-General's tiger gripe
"Would quickly ſtop the raggamuffin's pipe;
"Then for his laugh at grandeur let him ſwing."
"No, quoth the King—

"If *I'm* not hurt, my Lords, *you* may be quiet:
"'Tis for *yourſelves*, *yourſelves*, you wiſh the riot—
"Yes, yes, you fear, you fear, that Peter's muſe
"Will hang *your* grandeurs in her nooſe.

"No, no,—let Peter ſing, and laugh, and live:
"I like to read his works—Kings are fair game:
"What tho' he bites—'tis glorious to forgive.
"Go, go, my Lords, go, go, and do the ſame.

"Should Peter's verſe be in the *right*,
"*Our* conduct muſt be in the wrong—
"Poor, poor's the triumph of a little ſpite—
"We muſt not hang a ſubject for a ſong."

Thus, Lonſdale, thou behold'ſt a fair example
Of greatneſs in a King—a noble ſample!
Thou cry'ſt, "What muſt I do? on *thee* I call."
Catch up your pen, my Lord, at once, and ſay,
"Dear Peter, all my rage is blown away;
"So, come and eat thy beef at Lowther-Hall."

To

For the WEEKLY ENTERTAINER.

To a Lady, remarkably fond of Gardening.

AMID her flow'rs Elisa strays,
And as she wanders thro' the maze,
Whose fragrance round perfumes the air,
Knows not herself more sweet and fair.

The flow'rs their stated task fulfill;
Obedient to her gentle will,
To her delight and joy they give,
Whose culture bids their beauties live.

The maid unconscious of her pow'r,
Unconscious of the fleeting hour,
Still wastes, unkind and heedless fair,
" Her sweetness on the desert air."

While lost to hope her lover sighs,
And like the drooping flow'ret dies;
But ne'er must hope, like that, to prove
Elisa's fond regret or love.

S.

For the WEEKLY ENTERTAINER.

Lines, written by an Officer (on being ordered on foreign Service) to a Lady whose Name was Whiting.

SURE *Whiting* is no fasting dish,
Let priests say what they dare;
I'd rather eat *my* little fish
Than all their Christmas fare.

So plump, so white, so clean, so free
From all that leads to strife;
Happy the man, whose lot shall be,
To swim with thee thro' life.

But Venus, goddess of the flood,
Does all my hopes deny;
And surly Mars cries, "Da---n your blood
" You've *other fish to fry.*"